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COMMISSION ON HUMAN RIGHTS

Fiftieth session

SUMMARY RECORD OF THE 59th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 7 March 1994, at 3 p.m.

Chairman: Mr. van WULFFTEN PALTHE (Netherlands)

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GE.94-12377 (E)

The meeting was called to order at 3.20 p.m.

ELECTION OF MEMBERS OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES (agenda item 23) (E/CN.4/1994/85 and Add.1-4)

1. The CHAIRMAN said that the note of the Secretary-General (E/CN.4/1994/85 and Add.1-4) contained the nominations received from Member States as well as the curricula vitae of the candidates. The Commission was invited to elect, for a 4-year term, 13 members of the Sub-Commission and, if applicable, their alternates, on the following basis: African group, 3 members; Asian group, 3 members; Eastern European group, 1 member; Latin American and Caribbean group, 3 members; and Western European and Others group, 3 members. All instructions and explanations concerning the voting procedure were to be found in document E/CN.4/1994/Misc.7, which had been distributed to members of the Commission. He reminded members that a vote for a candidate was also a vote for the alternate. Each Member State could vote for only one candidate from each regional group; more than one vote would invalidate the ballot. The ballot would, however, remain valid if the number of candidates chosen was less than the number of allocated seats. In accordance with rule 67 of the rules of procedure of the Commission, those candidates obtaining, in the first ballot, a majority of the votes cast and the largest number of votes would be elected. If the number of candidates obtaining such majority was less than the number of seats to be filled, additional ballots would be held to fill the remaining seats.

2. Since the Western European and Others group had exactly three candidates for three places, he proposed, if there was no objection, that, in accordance with rule 66 of the rules of procedure, the Commission should approve without a vote the three candidates in question, who were Mr. Joinet and his alternate Mr. Decaux, Ms. Daes and her alternate Ms. Kalliopi Koufa, and Ms. Palley and her alternate Mr. Merrills.

3. It was so decided.

4. At the invitation of the Chairman, Mr. Urrutia (Peru) and Mr. Endo (Japan), Vice-Chairmen of the Commission, acted as tellers for the ballot on the other candidatures.

5. A vote was taken by secret ballot.

Number of ballot papers:	52
Number of invalid ballots:	1
Number of valid ballots:	51
Abstentions:	0
Required majority:	26

The results were the following:

AFRICAN STATES

Candidates	Member States	Number of votes obtained
Ms. Fatima-Zohra Ksentini	Algeria	14
Ms. Facia Constance	Benin	3
Mr. Issa Kindo	Burkina Faso	2
Ms. Luch Gwanmesia	Cameroon	24
Mr. Doungous Moro Donorabaye	Chad	1
Mr. Akich Okola	Kenya	14
Mr. Armand Rajaonarivelo	Madagascar	9
Mr. Daniel Amagoin Tessougué	Mali	0
Ms. Judith Sefi Attah	Nigeria	32
Mr. El-Hadji Guissé	Senegal	33
Mr. Emmanuel S.S. Palmer	Sierra Leone	2
Mr. Abdalla Idris Mohamed	Sudan	9
Mr. Bharat Patel	Zimbabwe	7

6. Having obtained the required majority, Ms. Sefi Attah with her alternate Ms. Ezim (Nigeria) and Mr. Guissé with his alternate Mr. Touré (Senegal) were elected members of the Sub-Commission for a term of four years.

ASIAN STATES

Candidates	Member States	Number of votes obtained
Ms. Fan Guoxiang	China	38
Mr. Mohammed Sardar Ali Khan	India	45
Mr. Wallwd Sadi	Jordan	9
Mr. Osman El-Hajje	Lebanon	35
Mr. Sedfrey Ordonez	Philippines	22

7. Having obtained the required majority, Mr. Fan Guoxiang with his alternate Mr. Zhong Shukong (China), Mr. Sardar Ali Khan (India) and Mr. El-Hajje (Lebanon) were elected members of the Sub-Commission for a term of four years.

EASTERN EUROPEAN STATES

Candidates	Member States	Number of votes obtained
Mr. Gáspá Biró	Hungary	21
Mr. Stanislav Chernichenko	Russian Federation	26

8. Having obtained the required majority, Mr. Chernichenko with his alternate Mr. Ramishvili (Russian Federation) was elected member of the Sub-Commission for a term of four years.

LATIN AMERICAN STATES

Candidates	Member States	Number of votes cast
Mr. Leandro Despouy	Argentina	22
Mr. Edward A. Laing	Belize	17
Mr. José Augusto Lindgren Alves	Brazil	37
Mr. José Bengoa	Chile	40
Mr. Luis Varela Quirós	Costa Rica	7
Mr. Miguel Limón Rojas	Mexico	29

9. Having obtained the required majority, Mr. Lindgren Alves with his alternate Ms. Sardenberg Zelner Gonçalves (Brazil), Mr. Bengoa with his alternate Mr. Ibarra (Chile), and Mr. Limon Rojas with his alternate Mr. Fix Zamudio (Mexico) were elected members of the Sub-Commission for a term of four years.

10. A second vote was taken by secret ballot to elect the third member of the Sub-Commission chosen among African States.

Number of ballot papers: 53

Number of invalid ballots: 2

Number of valid ballots: 51

Abstentions: 0

Required majority: 26

The results were the following:

Candidates	Member States	Number of votes obtained
Ms. Fatima-Zohra Ksentini	Algeria	13
Ms. Facia Constance	Benin	0
Mr. Issa Kindo	Burkina Faso	0
Ms. Lucy Gwanmesia	Cameroon	26
Mr. Doungous Moro Donorabaye	Chad	0
Mr. Akich Okola	Kenya	5
Mr. Armand Rajaonarivelo	Madagascar	5
Mr. Daniel Amagoin Tessougué	Mali	0
Mr. Emmanuel S.S. Palmer	Sierra Leone	0
Mr. Abdalla Idris Mohamed	Sudan	1
Mr. Bharat Patel	Zimbabwe	1

11. Having obtained the required majority, Ms. Gwanmesia with her alternate Mr. Sob (Cameroon) was elected member of the Sub-Commission for a term of four years.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 12) (continued)

(E/CN.4/1994/3, 4, 5, 6, 7 and Corr.1 and Add.1 and 2, 8, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 97, 102, 103, 104, 110, 115, 119, 120, 122 and 123; E/CN.4/1994/NGO/7, 9, 12, 13, 14, 15, 22, 23, 24, 26, 28, 29, 37, 40, 42, 43 and 44; A/48/584, 561, 526 and Add.1, 562, 578, 600 and Add.1 and 601)

12. Mr. ONDO AYANG (International Movement for Fraternal Union among Races and Peoples) expressed regret that, despite the progress recorded since the early 1990s, the socio-political situation continued to give grounds for concern in certain dictatorships of the South such as the Republic of Equatorial Guinea, where the Government had never fulfilled the undertakings it had assumed on the occasion of the signature on 19 March 1993 of the National Covenant whose implementation was to open the way to the establishment of a genuine multi-party democracy in the country. In reality, the repression of opponents had been stepped up and political assassinations, arrests and arbitrary detentions, particularly of Equatorial Guineans who had returned from exile, had only increased. Furthermore, the perpetrators of those human rights violations remained completely unpunished, the judiciary enjoying no independence whatsoever. By way of example, he referred to the cases of Pedro Motré Mamiaga, arrested upon his return from exile and murdered in prison, and of Dámas Abaga Nvé and Gaspar Mba Oyona, who had died as a result of torture suffered during their detention at a police station. Further, two young men called Simplicio Llorente and Manuel Villarubia had died, 40 islanders had been wounded and 25 others taken to the Mongoma concentration camps on the occasion of an attack conducted by a detachment of 200 armed soldiers against the island of Annobón on 13 August 1993. It should

also be noted that the legislative elections of 21 November 1993 had not been free and fair, as required, and had in fact led to the abandonment of the process of transition to democracy, the re-establishment of a brutal dictatorship and, consequently, increased oppression, more human rights violations, and the reduction of Equatorial Guineans to extreme poverty.

13. The dramatic situation in which Equatorial Guinea found itself and the contempt of the country's authorities for the rights of the inhabitants were attested in the reports prepared, first, by the independent expert, Mr. Volio Jímenez and, later, in the latest report of the Special Rapporteur of the Commission, Mr. Alejandro Artucio (E/CN.4/1994/56) and in those of other United Nations bodies and non-governmental organizations (NGOs). It was clear that nothing would change in Equatorial Guinea without the intervention of the international community. That was why the International Movement for Fraternal Union among Races and Peoples was addressing the Commission. He wished to take the opportunity to thank the Governments of Spain, the United States of America, Germany and France, among others, for their activities in support of human rights and their struggle against dictatorships, and to address a solemn plea to the international community, the United Nations specialized agencies and all peace-loving and freedom-loving men to unite their efforts in furthering the initiation of the democratic process in Equatorial Guinea. More particularly, his organization invited them not to recognize the institutions created in the wake of elections conducted in a climate of terror, to confiscate the property of all those who had usurped power in Equatorial Guinea and to take whatever other steps they might deem fit in order to guarantee respect for human rights and especially the right to life, flouted in that country for the past 25 years.

14. Mr. ARNOTT (World Conference on Religion and Peace) said that the invitation addressed in November 1993 to the "armed organizations in the jungle" by Lieutenant-General Khin Nyunt, Secretary One of the Myanmar State Law and Order Restoration Council (SLORC) to "return to the legal fold" and cooperate with the Government in the development of their regions had been nothing but an invitation to surrender. The groups in question wanted a nationwide cease-fire and political discussions, while SLORC offered them development in exchange for local cease-fires in strategic areas where "development projects" were carried out.

15. It should be noted that in executing those development projects the Government resorted to local labour which, contrary to what SLORC asserted, was not voluntary. All villages in the vicinity of railway or road building projects had regularly to provide contingents of workers who had to work under extremely harsh conditions and often preferred to escape to Thailand. The Burmese army also forced villagers to build the barracks and other installations it needed when settling in a new village, where the constant demand for forced labour and the eviction of villagers from their land and houses to make way for army training grounds was a major cause of collapse of the village economy. The problem of forced labour in Burma had been raised frequently before the Commission, in particular by the Special Rapporteur on Myanmar, by the ILO and by such NGOs as Amnesty International and Asia Watch. It was also mentioned in the 1994 United States State Department Country Report on Burma, which asserted that forced labour had been used in constructing the notorious Aung-Ban-Loikaw railway opened by the German

Ambassador in 1993. The practice of forced portering, which was at the origin of numerous condemnations of Burma by the ILO for violation of Convention No. 29 on Forced Labour, also contributed to the destabilization and collapse of village communities which, in turn, gave rise to large-scale internal displacement and refugee flows to neighbouring countries. There were now 74,500 Burmese in camps on the Thai border and a much greater number of Burmese illegal immigrants in Thailand itself. It was significant that those figures applied to a period when there had been little fighting.

16. Forced labour, forced relocation and economic sabotage were part of the Burma army's strategy for controlling the non-Burmese civilian population and forcing the armed groups to surrender or to accept cease-fires which in fact amounted to the occupation of their regions by the Burmese military and their families and the marginalization of the local people. Those projects also provided infrastructures intended for the extraction of local resources by transnational corporations, like the proposed construction of a gas pipeline from the Total/Unocal exploitation in the Gulf of Martaban. In other words, "development" in Burma was extractive and military and thus formed part of a purely colonial strategy.

17. Having said that, he did not think that the Burmese military - trapped, it was true, in a power system from which it could not escape unaided - actually liked suppressing the people. The members of the Tatmadaw were Buddhists and, as such, acknowledged the teachings of love, compassion, non-violence and the principles of non-opposition and non-obstruction of the will of the people, which were the Buddhist version of popular participation. The old ruler U Ne Win was very ill. It was therefore to be hoped, as the Special Rapporteur on Myanmar had said, that SLORC would enter a dialogue with Aung San Suu Kyi with a view to beginning a process of reconciliation between the army and the democracy movement which might lead to a transition towards a genuine popular participation and would avoid a power struggle within the army. Tripartite discussions could then take place between the military, the political opposition and the ethnic opposition groups. The restoration of international assistance that would accompany such a process could also lead to genuine development without forced labour. That was the hope which the Commission should express in any resolution it adopted on Myanmar.

18. Ms. SHAWL (All Pakistan Women's Association) said that she came from Sopore, a small town of about 70,000 inhabitants in Kashmir now reduced to rubble as a result of attacks by the Indian occupying forces in January and November 1993. Sopore was a typical example of the violence committed by India in the occupied State of Jammu and Kashmir. Every day the Indian administration adopted new tactics to isolate the people of Kashmir from the civilized world and ordered new military operations to curb the Kashmiri people's struggle for freedom. Yet the Kashmiris wanted only to exercise their fundamental rights and especially the right of self-determination. The atrocities committed by India against all elements of Kashmiri society, especially women and children, were unprecedented. India was also trying to sow discord between the local religious communities, which had hitherto always lived together in tranquillity. Muslim Kashmiris had never been hostile towards the Pundits. The displacement of Pundits formed part of a plan by the Indian Government to give an appearance of communal conflict to the Kashmiris' political resistance to the annexation of their State by India. The Indian

army, which was the third largest in the world, enjoyed unlimited powers under the Acts on Public Safety and National Security and could therefore destroy and devastate Jammu and Kashmir with impunity. Crimes committed by Indian soldiers, particularly against women, had increased; rape, including girl rape, had become a common occurrence over the past four years, but more especially in 1993. She referred to several cases of women raped and killed by patrolling soldiers who had never been brought to book for their deeds.

19. Her organization, whose tireless efforts over the past 45 years to improve the conditions of women and children in the fields of health, education and development deserved to be placed on record, therefore appealed to the Commission to appoint a Special Rapporteur to monitor the extent of organized State violence against the people of Kashmir, particularly women, and to call upon the authorities to release all prisoners of conscience, including women, and to facilitate access by the International Red Cross to the State of Jammu and Kashmir for the purpose of inspecting its hospitals, which were in great need of assistance.

20. Mr. BLACKMAN (Barbados), speaking on behalf of the Caribbean Community (CARICOM), said that 1993 had been a historic year in the field of human rights. Many principles central to the promotion of human rights had been reaffirmed at Vienna that year. Thus, the Vienna Declaration and Programme of Action emphasized the universality, indivisibility, interdependence and interrelatedness of all human rights. The Commission's consideration of agenda item 12 had traditionally shown a preoccupation with civil and political rights and had been characterized by a ritual of public censure, reserved primarily for developing countries. Yet it was clear that the adoption of resolutions and the appointment of special rapporteurs or independent experts would not suffice to end violations of human rights. The States concerned had to be involved in a constructive dialogue. The CARICOM States believed that the creation of a post of High Commissioner for Human Rights would promote confidence-building in the human rights field, particularly among States which experienced difficulties in cooperating with other human rights mechanisms. They therefore urged States in which human rights abuses occurred to enter into dialogue with the High Commissioner with a view to improving the situation in their country.

21. The Vienna Declaration also reaffirmed the mutually reinforcing interrelationship between democracy, development and human rights. An infringement of any one of those elements could have severe consequences for the enjoyment of human rights and fundamental freedoms. The situation in Haiti was exemplary in that context. The CARICOM States were greatly concerned by the terror which the military continued to inflict on the civilian population of that country, whose only crime was to have elected a president in internationally supervised elections. The CARICOM States believed that the Governors Island Agreement remained the only valid framework for resolving the crisis in Haiti. The Centre for Human Rights should bring the full weight of its influence to bear on the situation in Haiti so that democracy and the rule of law might be reinstated in that country.

22. Violations of human rights and fundamental freedoms were not always blatant; they could occur in more subtle forms. Major reservations lodged by States upon becoming party to human rights instruments deserved the

Commission's careful study in that connection, as such reservations could result in the erosion of human rights. Violations could also occur as a result of ignorance of the international standards contained in human rights instruments. The CARICOM States therefore supported the recommendations of the Vienna Conference designed to encourage the establishment and strengthening of national structures having a direct impact upon the overall observance of human rights and the maintenance of the rule of law. They also strongly supported the recommendations regarding human rights education. They considered that the work of the Centre for Human Rights and its mechanisms was vital to the promotion of human rights and therefore supported the request for increasing the resources of the Centre.

23. Concerned at the violation of the human rights of vulnerable groups, particularly women and children, the CARICOM States had supported the adoption of the Declaration on the Elimination of Violence against Women by the General Assembly at its forty-eighth session. They viewed with horror the various forms of child exploitation described by the Special Rapporteur on the Sale of Children in his report (E/CN.4/1994/84). The rights of children had to be guaranteed. The CARICOM States therefore urged the Commission to be far more rigorous in its response to situations in which the rights of children were violated.

24. The CARICOM States took the view that measures adopted by the Commission had to be consistent with what had been agreed at Vienna. The right to development had to be reaffirmed as an inalienable right forming part of the fundamental rights of the human person, which should be the central subject of development. In that connection, it was useful to recall the observation by President Franklin D. Roosevelt "Individual freedom cannot exist without economic security and independence. A man in need is not a free man."

25. Mr. TYSZKO (Poland) welcomed the consensus which had enabled the Vienna Conference to adopt paragraph 4 of the Vienna Declaration stating that "the promotion and protection of all human rights is a legitimate concern of the international community". His delegation hoped that the implementation of that principle would be based on the equality of all States and peoples. It understood "legitimate concern" to mean that the international community had a solemn responsibility to react to human rights problems wherever they occurred. At the same time, the purpose of the debate under item 12 was not to point the finger at particular States or to stand in judgement over them. The real purpose of the debate was to provide a framework for the consideration of methods of assisting the victims of human rights violations and supporting the Governments.

26. Many countries were currently engaged in a process of transition. Before that process bore fruit, the societies concerned had to make considerable efforts in the social sphere. In order to prevent the vicious circle "authoritarian regime - democratic transition - social and political dissatisfaction - authoritarian regime", the countries in democratic transition needed international assistance. While paying a tribute to the efforts of the Commission and the United Nations as a whole, he had to admit feeling frustrated by the fact that in some countries serious human rights

violations continued despite the international community's concern. The world should on no account become accustomed to certain patterns of continuous human rights violations being committed in certain parts of the world.

27. Taking into account the fact that the purpose of the consideration of country situations under agenda item 12 was to assist victims of human rights violations, peoples and Governments, and bearing in mind the human rights obligations of the international community, his delegation thought that refusal to cooperate with the Commission's representatives should be regarded as non-compliance with international commitments. It therefore urged all authorities cited in the various reports of human rights bodies and organs as having failed to cooperate with the international community to change their attitude and enter into constructive dialogue with the Commission and its mechanisms. Lastly, since the purpose of the debate under item 12 was also to prevent human rights violations, his delegation wished to stress once again the importance of establishing preventive mechanisms.

28. Mr. KYAW HLAING (Observer for Myanmar) recalled that his country was going through a period of transition in which significant political and economic changes were taking place. The Myanmar Government, whose objective was to establish a multiparty democratic State, was taking steps towards the adoption of a new State Constitution. Such an undertaking could succeed only where there was stability and where the rule of law and civil order prevailed. His Government's goal was to have social, economic and political justice in the country. That goal could only be reached once the separation of powers had been accomplished. The Special Rapporteur on the human rights situation in Myanmar had commented on the visible positive changes taking place in the country and had commended the lifting of the martial laws and the positive effect which that measure had had on the general atmosphere among the people. He had also welcomed the release of over 2,000 detainees by the Myanmar authorities. Myanmar had also withdrawn the reservations it had formulated with regard to articles 15 and 37 of the Convention on the Rights of the Child when acceding to that Convention.

29. A national convention was currently being held in Myanmar with a view to laying down the basic principles to be enshrined in the new Constitution. Delegates representing all strata of society were taking part in the convention. They included elected representatives as well as representatives of political parties, national ethnic groups, workers, peasants, the intelligentsia, etc. The armed groups which had resorted to anti-government activities had also been invited to return to the legal fold and to take part in the convention. The selection of delegates was based on systematic and objective criteria so as to ensure a representative group for the country as a whole. The delegates could participate in free and open deliberations, and a consensus had currently been reached on 104 fundamental principles to be set forth in the new Constitution.

30. The present Government's policy of national reconciliation had met with success. Ten armed groups which had taken to the jungle had returned to the legal fold and, after renouncing the path of violence, were now cooperating with the Government and people towards national development, peace and prosperity. The Myanmar Government, committed as it was to strengthening national unity and solidarity, was waiting for the few remaining armed groups

that had not yet done so to return to the legal fold and to work with it towards economic and social development in the border areas. In tandem with the policy of national reconciliation, the Government was also implementing a programme designed to bring about a better quality of life of the national races in the border areas. The programme would put in place an infrastructure for economic and social development in such sectors as transport, education, health, energy, agriculture, telecommunications and mining.

31. On the subject of the armed forces, his delegation wished to stress that they had played a crucial role in preventing the Union from disintegrating in times of national crisis. Allegations of human rights violations had been levelled at some members of the armed forces. Those allegations emanated mainly from subversive groups with ulterior political motives. Every member of the armed forces was required scrupulously to observe a code of conduct and military rules and was never considered to be above the law. It should be recalled in that connection that Myanmar had acceded to the four Geneva Conventions in August 1992. With the cooperation of the International Committee of the Red Cross, training programmes for officers on the law of war and humanitarian law were currently being conducted.

32. There was no truth whatsoever in the allegation that the provisions of the Myanmar Citizenship Law were directed at preventing certain groups from gaining Myanmar nationality. The Citizenship Law actually provided that all residents of Myanmar had the right to apply for naturalized citizenship, associate citizenship or full citizenship. Full citizens had the right to vote and to be elected, while associate citizens and naturalized citizens had the right to vote but could not stand as candidates in general elections.

33. Lastly, on the recent developments in Rakhine State, his delegation wished to recall that a Memorandum of Understanding between the Myanmar Government and UNHCR had been signed in Yangon in November 1993. A liaison office of UNHCR had been established in that city and measures were under way to facilitate the ongoing repatriation of returnees from Bangladesh.

34. Mr. EIBER (Christian Solidarity International) drew the Commission's attention to the dramatic situation in the Sudan, transformed by decades of civil war into one of the world's worst human rights disaster areas. Since the outbreak of the latest phase of the conflict in 1983, approximately 1.5 million people had perished and an estimated 5 million had had to flee their homes. The infrastructure of Nuba and Southern Sudan society was being systematically destroyed, raising the spectre of genocide. The bloody civil war in the Sudan arose mainly from the determination of successive Sudanese Governments to use force to forge the racially, religiously and linguistically diverse country into an Islamic Arab State against the wishes of a large part of its population, and especially of its black non-Muslim citizens. The international community had long ignored the carnage, preferring to give priority to the principle of non-interference in the affairs of an internationally-recognized sovereign State rather than to the principle of respect for human rights. Yet the number of human rights violations in the Sudan - extrajudicial killings, arbitrary detentions, persecution of non Islamic religions, violations of the rights of children and misuse of humanitarian aid - was on the increase. In its statement before the Commission, his organization had decided to deal exclusively with violations

for which the Government of the Sudan bore primary responsibility and to submit a few conclusions and recommendations in the hope that they would complement the outstanding work done by the Special Rapporteur, Dr. Biro, and would encourage the Government of the Sudan and the United Nations to guarantee the respect of human rights in the country.

35. The first conclusion was that the Sudanese Government made no meaningful distinction between the SPLA (Sudanese People's Liberation Army) and the civilian population in the South and the Nuba Mountains. Between November 1993 and January 1994, Government troops had attacked six villages in the south, burning 560 homes and causing the displacement of some 40,000 people. In February 1994, over 100,000 people had been displaced and over 200 killed as a result of the aerial bombardment of civilian targets. In March 1993, an estimated 2,000 people had been massacred by Government-related troops. In the Nuba Mountains, many civilians had been massacred by government forces and thousands of people displaced. According to a senior security officer, between 40,000 and 50,000 people had been killed between May 1992 and February 1993 as a result of aerial and ground attacks in the region.

36. Members of the Christian clergy were being persecuted by the Government, which did not hesitate to use both violence and various kinds of coercive measures (restriction of freedom of movement, imprisonment, torture) against them. The Government also persecuted Muslims whose non-violent religious or political activities were deemed to be contrary to its policies. In that connection, he cited several cases of Muslims who had been arrested, sometimes without any reason being given, and tortured in prison.

37. The Sudan had experienced a resurgence of child kidnapping and enslavement since the Revolutionary Command Council's seizure of power in 1989. In the Nuba Mountains, kidnapped children could be bought for "legalized adoption" in open markets by paying 300-500 Sudanese pounds to a government representative. Approximately 25,000 mainly non-Muslim children had been kidnapped from camps for the displaced in the Greater Khartoum area and were now receiving Islamic and military education in other parts of the country. The Government also obstructed and manipulated humanitarian aid in order to facilitate its domestic military operations and its Islamization and Arabization policies. Thus, it had withdrawn permission for Operation Lifeline Sudan flights to several parts of the country, leaving hundreds of thousands of civilians vulnerable to starvation.

38. His organization wished to call upon the international community, and in particular the Security Council, to encourage the Government of the Sudan to honour its voluntarily accepted human rights obligations by taking the following steps: imposing an oil and arms embargo on the Sudan; establishing an air exclusion zone over the conflict zone; expanding Operation Lifeline Sudan to serve all areas of the Nuba Mountains; authorizing the placement of teams of permanent human rights monitors in the North, the Nuba Mountains and the South; and enabling the people of the South and Nuba Mountains to determine their own future.

39. Ms. FERNANDES (International Lesbian and Gay Association) deplored the fact that, despite appreciable progress over the past year in the recognition of the rights of homosexual men and women, there had also been numerous examples of acts of violence against lesbians and gays. The phenomenon of violence, the precise significance of which was still difficult to grasp, could be viewed as running parallel to acts of violence against transvestites, prostitutes, members of minorities and refugees, acts which were also connected with the revival of racism and xenophobia and which continued largely to be passed over in silence.

40. Thus, around 10 homosexual men had been killed under similar circumstances in Montreal in a little more than a year. Those murders had caused particularly strong feeling in Quebec, which had been the first State or provincial government to prohibit discrimination based on sexual orientation. In response to growing anxiety among the population, the Quebec Human Rights Commission had begun to hold public hearings on acts of violence and discrimination against lesbians and gays. The holding of such hearings was crucial, as very few concrete data on the forms of discrimination against gays and lesbians were available. It was desirable that ad hoc studies and public inquiries should be undertaken on the subject.

41. In Sydney, Australia, acts of violence against homosexuals had also become a subject of debate among the population, and a law prohibiting systematic denigration of homosexuals had entered into force in New South Wales in October 1993. The law, which prohibited incitement to violence, was similar to an Act of the same order adopted in Ireland. In the United States and in Toronto, Canada, statistics were being kept on crimes due to homophobia, and the police had received repeated accusations of failing to react adequately to crimes against lesbians and homosexuals. In Brazil in 1993 a municipal counsellor who had publicly admitted his bisexuality had been murdered and dismembered. Six persons, including three members of the military police had been arrested, but four of the suspects had been released and no date had as yet been set for the trial. Murders of homosexuals and transvestites, most of which remained unpunished, continued to be reported from Brazil and Mexico.

42. All those who were concerned by acts of violence committed against women should also take into account such acts committed against lesbians. Similarly, those who were opposed to all contemporary forms of violence against members of minorities should take into consideration the acts of violence committed against lesbians and gays. The facts were self-evident and could not be ignored.

43. Mr. WADLOW (International Fellowship of Reconciliation) recalled that on 17 February the representative of the Sudan had called into question the will and the capacity of the International Fellowship of Reconciliation to contribute towards peace and reconciliation in situations of major conflict. While there could be no doubt as to his organization's will, the incapacity of NGOs to prevent wars, to bring fighting to a speedy end once wars had broken out and to heal the divisions which had led to the wars was undeniable. But it was an incapacity reflected in the weakness of intergovernmental organizations and traditional techniques of national diplomacy.

44. The International Fellowship of Reconciliation, for its part, had repeatedly called for cooperation among all the different components of the Commission, namely, the member and observer States, the representatives of other intergovernmental bodies, the United Nations Secretariat and the NGOs. Only open and frank cooperation would enable them all to deal with the complex situations they were facing. Those situations had to be looked at as they were, without exaggerating the difficulties or minimizing the potential dangers. Not all violations of human rights led to genocide, but government representatives tended to deny the gravity of conflictual situations in their own countries. He recalled being assured by the then representative of Burundi some years previously that there were no tribal tensions in that country and that the division of the population into Hutu and Tutsi was an invention of European anthropologists. Yet the killings, burning of homes and refugee flows which had followed the attempted military coup of October 1993 did seem to have followed tribal lines. By failing to take those tensions seriously and to make a determined effort to overcome the divisions, the international community had become an accomplice to the violence. He also recalled being assured by the representative of Liberia that the skirmishes taking place at that time were only normal bandit activity, whereas in reality they had prefigured the killings, displacements of people and economic crisis now ravaging the country. There again, Governments and the United Nations could have avoided the situation by taking the first alarm signals more seriously.

45. One of the Commission's means of determining the gravity of a situation was the system of Special Rapporteurs, who were its "eyes and ears". Their findings should be studied in greater detail and Governments, the secretariat of the Centre for Human Rights and involved NGOs should attach greater importance to implementing their recommendations. Attacks against the work of Special Rapporteurs were also directed against the Commission's capacity to understand a situation, to analyse trends and to make recommendations. Accordingly, the ill-advised attack by the representative of the Sudan on Mr. Biro, the Special Rapporteur for that country, was to be deplored. By accusing the Special Rapporteur of blasphemy in an Islamic context, the Government of the Sudan was putting his life in danger, as the Rushdie affair made all too clear. Over the years, the Fellowship had warned of the growing dangers of the situation in the Sudan, with widespread violations of human rights committed both by the Government and by opposing armed factions. That situation, which had recently grown more violent with the increase in refugee flows, was now being discussed informally in the Security Council. He called upon the Government of the Sudan, the military factions of the Sudan People's Liberation Army and Sudanese civil society to work with organizations from outside the country in order to put a rapid end to the situation of misery, famine and death.

46. It was gratifying to note that greater attention was being given within the United Nations to preventive diplomacy as set out in the Secretary-General's Agenda for Peace. The case of the former Yugoslavia was, alas, a tragic example of missed opportunities. The Special Rapporteur, Mr. Mazowiecki, had reported on the violence which continued to sweep through the region. The International Fellowship of Reconciliation had been working for an overall settlement to the situation and proposed, in particular, that the League of Nations minority protection treaties should be reactivated. In

another part of the world, it was also working steadily for improved relations between Israelis and Palestinians. The Commission and the international community at large had a duty to contribute towards the peace process in order to create a momentum that could not be stopped. He appealed to all religious leaders to condemn all acts of violence against innocent civilians, of which the massacre in Hebron was the tragic and most recent example.

47. The situation in Myanmar and the reports of Mr. Yokota, Special Rapporteur on Myanmar, deserved the Commission's attention. In order to develop a new constitutional order based on the rule of law, cooperation between the Government, all members elected to Parliament in 1990 and representatives of all sectors of civil society was necessary. The Commission could help to create the atmosphere for such cooperation through the advisory services of the Centre for Human Rights. The above examples illustrated three points. Firstly, situations needed to be analysed in a realistic manner devoid of emotionalism. Secondly, they brought out the crucial role of the system of Special Rapporteurs, and the need to reinforce that system and to avoid attacks on the integrity of Special Rapporteurs. Lastly, the examples he had cited demonstrated the need for open and fruitful dialogue between Governments, the United Nations Secretariat and the NGOs.

48. Ms. DAR (World Muslim League), recalling that the Commission's mandate was to promote and protect human rights all over the world, drew attention to the serious human rights crisis taking place over the past four years in the State of Jammu and Kashmir. She herself came from Kashmir and, as a medical doctor, had personally attended many compatriots who had physically suffered from atrocities committed by the Indian army. In 1993 she had been forced into exile, leaving her family in Kashmir. With its 600,000 men stationed in Kashmir, the Indian Government wanted to change the country's demographic pattern by killing or driving out the legitimate inhabitants. Kashmir, once a paradise on Earth, had become a hell in which a genocide was being perpetuated. She cited numerous examples of violent treatment inflicted on the inhabitants: systematic torture, extrajudicial executions, custodial deaths, removal of vital organs from detainees. As an example of atrocities committed against women, she referred to a gang rape perpetrated in Kupwara District on the night of 22-23 February 1991 when 50 women, including one aged 80, had been raped by security forces. Rape had become a common practice from which not even foreign women were spared.

49. The occupation forces had also extended their sphere of systematic excesses to the health sector, not only violating article 3 of the Geneva Convention but deliberately preventing injured persons from receiving medical care, harassing doctors and other health personnel, stopping ambulances, closing hospitals for days at a time and in that way causing the deaths of thousands of people. Two doctors, Dr. Guroo and Dr. Ahshai, had been killed by Indian soldiers.

50. India, with its claim to be the largest democratic country in the world was thus systematically violating all human rights and, first and foremost the right to self-determination, a sovereign right of the Kashmiri people. She appealed to the Commission, the General Assembly and all human rights organizations to join hands with the people of Kashmir in defending its right to self-determination.

51. Mr. MARAPANA (Sri Lanka), describing developments in the situation in his country since the Commission's forty-ninth session, said that the assassination of President Premadasa on 1 May 1993 had dealt a heavy blow to the country's democratic institutions. The ongoing inquiry had established the responsibility of the Liberation Tigers of Tamil Eelam (LTTE). The Government, the opposition and the people of Sri Lanka had reacted to the assassination in an exemplary manner, as foreign observers could attest. There had been no reprisals and the terrorists' attempt to instigate violence on racial lines had failed. The new President, Mr. Wijetunga, had been able to take up his duties in a climate of harmony. In his inaugural address he had reaffirmed the country's commitment to democracy and respect for human rights. The resilience of Sri Lanka's democratic institutions had been further evidenced by the peaceful conduct of elections to the Provincial Council held on 17 May 1993, barely two weeks after President Premadasa's assassination. Nine political parties and 10 independent groups had presented themselves for the election, whose free conduct had been witnessed by an international observer team including representatives of some of the States members of the Commission.

52. Recalling that in a statement made on 11 March 1993 he had announced his Government's intention to take certain measures to improve the human rights situation in the country, he highlighted the measures taken and the progress made by reporting that Sri Lanka had acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; a mechanism had been set up to ascertain the fate of persons reported missing prior to 1991; the emergency regulation pertaining to arrest and detention procedures had been reviewed and steps were under way to identify emergency regulations that could be revoked or replaced by legislation; the recommendations of the Working Group on Disappearances, which had made two visits to Sri Lanka, were in process of implementation; several prosecutions against alleged human rights violators had been instituted; and an invitation had been extended to the Special Rapporteur on extrajudicial, summary or arbitrary executions to visit Sri Lanka, where he was awaited in the course of the year.

53. The most significant of the measures proposed to the Commission at the previous session had been the achievement of a negotiated political settlement to the problems involving the north and east of the country. Over the past 10 years constitutional changes had been effected in response to the legitimate demands of the Tamil people on critical issues such as devolution and language rights. The negotiating process had persuaded even certain extremist Tamil groups to join the democratic mainstream. The LTTE alone had refused, attempting to achieve its aim of creating a separate monoethnic State in the north and east of Sri Lanka by violent means. The Government had expressed its resolve not to allow the LTTE to bypass the democratic process. On many occasions it had offered its hand in friendship. The most recent initiative, dating back to 15 January 1994, had been an invitation extended to the LTTE by the Prime Minister, Mr. Wickremasinghe, to participate in the ongoing discussions on constitutional reform, an invitation which the LTTE had failed to accept. While refusing to join the democratic process and denying democratic freedoms to the people it claimed to represent, the LTTE nevertheless claimed self-determination on those people's behalf. The Tamil people accounted for only 12.5 per cent of the population and were not confined to the north and east of the country. The LTTE was demanding a

separate Tamil State covering a third of Sri Lankan territory and two thirds of the island's coastline, basing those demands on a spurious interpretation of historical facts. The claim, accompanied by violence and terrorism, was completely illogical and unreasonable. Nevertheless, the Government was prepared, in the interests of peace and the welfare of the innocent victims of the conflict, to seek a peaceful solution with the LTTE, having regard to their concerns. However, any talks would be held only on the basis of four fundamental conditions: first, the renunciation of violence; second, the discussions had to be held at the highest level and not through intermediaries; third, all political parties, especially of the Tamil community, had to be represented at the discussions; and, lastly, the salient features of a negotiated settlement had to be determined before the start of the talks. The Government was at present awaiting the response of the LTTE to its invitation.

54. Sri Lanka welcomed the international community's interest in its problems and shared its desire for a negotiated settlement. The international community could assist in the achievement of that objective by exerting influence on the LTTE to renounce violence, accept democracy, jettison its unreasonable demands and come to the negotiating table. As an example, he referred to the United Kingdom Government's expulsion of an LTTE leader who had been indulging in illegal activities in United Kingdom territory. That was the type of action most conducive to eliminating terrorism and restoring peace and normality in Sri Lanka.

55. While awaiting a negotiated settlement, the Sri Lankan Government had taken steps to restore a normal situation in the Northern and Eastern provinces. Elections had been held on 1 March 1994 in the Eastern Province and the Vavuniya District of the Northern Province. Over 2,000 candidates had contested the elections and polling had been of the order of 70 per cent. Another sign of the return to normality had been the repatriation of some 40,000 displaced persons. An agreement had also been concluded with the Swiss Government to facilitate the return to Sri Lanka of asylum-seekers whose claims had been rejected. Other Western countries could likewise repatriate asylum-seekers who based their claims on the unsettled conditions in their country. Despite grave terrorist threats, the Sri Lankan democratic institutions had proved resilient and human rights could be protected. Furthermore, in spite of the conflict in the North, the Government had continued to discharge its humanitarian responsibilities to the people in the affected areas. With the assistance of ICRC, food, fuel, textbooks and medical supplies had been delivered; the Jaffna hospital continued in operation. In October 1993, Mr. Francis Deng, the Special Representative of the Secretary-General of the United Nations, had visited Sri Lanka at the Government's invitation. He had been witness to the massive efforts deployed by the Government, in collaboration with local and international NGOs, to provide relief for those affected by the conflict, and had paid a tribute to the Government for its unprecedented measures. Regrettably, some of the measures it had initiated with the support of UNHCR and ICRC, such as the establishment of a "humanitarian corridor" to provide safe passage in the north of the country, had failed on account of the intransigence of the LTTE.

56. Going on to describe the main elements of the programme of work which the Government proposed to carry out during the following 12 months, he said that steps would be taken to further revise the Emergency Regulations still in force. Vigorous action would be taken to ensure that procedural safeguards contained in the Emergency Regulations were strictly complied with. Provisions in the Emergency Regulations promulgated in December 1993 which conferred special powers in dealing with the offence of provoking feelings of hatred or hostility among inhabitants of Sri Lanka would be removed at the earliest opportunity. The unit established to monitor pre-1991 disappearances would be strengthened and its findings forwarded to the authorities. Legislation for the issuance of death certificates in respect of missing persons would be enacted. Effective steps would be taken to prosecute all human rights violators. Legislation would be enacted to fulfil Sri Lanka's obligations under the Convention against Torture. Instructions would be given to the authorities to take all possible steps to prevent injury to civilians and damage to civilian property in the course of military operations conducted against terrorists. The emergency regulation concerning NGOs would be replaced by legislation, and any representations made by NGOs would be given due consideration in the preparation of such legislation. He wished to assure the Commission that Sri Lanka would continue its cooperation with humanitarian organizations in their endeavours to improve the situation in the country and would pursue its dialogue and cooperation with the Commission and, generally, reaffirmed its policy of openness and cooperation.

The meeting rose at 6 p.m.